

MEMORANDUM

COUNTY OF LOUDOUN

DATE: December 7, 2006

TO: Department and Agency Heads



FROM: Kirby M. Bowers, County Administrator

SUBJECT: Action Report of the December 5, 2006 Board of Supervisors' Meeting

Listed below is a summary report of the Board's action taken at its December 5, 2006 Business Meeting. On items requiring follow-up, the staff person responsible is noted. Please work with your staff to follow through on the Board action as noted.

- APPOINTMENTS

- a. Disability Services Board - Supervisor Snow moved that the Board of Supervisors approve the appointment of Sara Roeper. (Seconded by Supervisor Waters. The motion passed 8-0-1, Chairman York absent for the vote). Staff Contact: Cherie Giles, Office of the Board of Supervisors.

1. RESOLUTION OF APPRECIATION / DR. PETER VANSICKELS

Chairman York moved that the Board of Supervisors approve a Resolution of Appreciation for Dr. Peter VanSickels for his services and commitment to the citizens of Loudoun County. (Seconded by Supervisor Kurtz. The motion passed 7-0-2, Supervisors Waters and Tulloch absent for the vote).  
Staff Contact: David Goodfriend, Health Department.

2. RESOLUTION OF APPRECIATION / AOL

Supervisor Snow moved that the Board of Supervisors approve a Resolution of Appreciation for AOL for its services and commitment to the citizens of Loudoun County. (Seconded by Kurtz. The motion passed 7-0-2, Supervisors Waters and Tulloch absent for the vote).  
Staff Contact: Tim Chesnutt, Loudoun Youth Initiative.

2a. RESOLUTION OF RESPECT / FRANK LAMBERT

Supervisor Kurtz moved that the Board of Supervisors approve a Resolution of Respect for Frank Lambert for his dedicated services to the citizens of Loudoun County. (Seconded by Supervisor Snow. The motion passed 7-0-2, Supervisors Waters and Tulloch absent for the vote).  
Staff Contact: Donny Ferguson, Aide to Supervisor Delgaudio.

3. INFORMATION ITEM / FY08 BUDGET OUTLOOK UPDATE

Kirby Bowers, County Administrator, presented an update on the implications of the LCPS Superintendent's proposal and the current budget outlook.

Chairman York moved that the Board of Supervisors provide guidance to Kirby Bowers, County Administrator, to bring the Board some options as outlined in the memo provided by the County Administrator (Seconded by Supervisor Burton. The motion passed 6-3, Supervisors Delgaudio, Staton, and Waters voted no).

Chairman York clarified that the County Administrator would prepare his proposed FY08 Budget which would include the advertised tax rate that would fund the options.

Staff Contact: Kirby Bowers, County Administrator.

4. ADMINISTRATIVE ITEMS REPORT

Vice Chairman Tulloch moved that the Board of Supervisors approve the Administrative Items Report (Seconded by Supervisor Snow. Consent Item. The motion passed 9-0).

4a. BUDGET ADJUSTMENTS

The Board of Supervisors moved to approve the following BAs: Ba-701036, BA-701231, BA-701255, and BA-701262.

Staff Contact: Ari Sky, Financial and Management Services.

4b. BOARD OF SUPERVISORS MINUTES

There are no Minutes for approval at the December 5<sup>th</sup> meeting.

Staff Contact: Denise Reyes, Office of the County Administrator.

4c. DEEDS FOR APPROVAL

The Board of Supervisors moved to approve the following:

- 1) SBRD-2006-0020 - Little River Farms Section 1; and
- 2) ESMT-2006-0043, Waterford Creek Phase 1 Lot 5-B3.

Staff Contacts: William M. Himel, Planner, B & D, and Ronald J. Brown, Assistant County Attorney.

4d. REQUEST FOR TRAFFIC SAFETY MEASURES/WINDMILL DRIVE

The Board of Supervisors moved to request VDOT to install multi-way stop signs at the intersections of Windmill Drive and Dovetail Place, and Windmill Drive and Colter Court in Ashburn.

Staff Contact: Sally Snidow, Office of Transportation.

5. ADDITIONS TO THE 2006 AND 2007 HOLIDAY SCHEDULES AND SCHEDULE ADJUSTMENT FOR 2007

Vice Chairman Tulloch moved that the Board of Supervisors add December 26, 2006 and January 2, 2007 to the holiday schedule for County staff to make State and County holiday schedules consistent. He further moved that the Business Meeting slated for January 2, 2007 be rescheduled for Wednesday, January 3, 2007 (Seconded by Supervisor Snow. Consent Item. The motion passed 9-0).

Staff Contact: Kirby M. Bowers County Administrator.

6. AMENDMENT TO CHAPTER 872 OF THE CODIFIED ORDINANCES OF LOUDOUN COUNTY / REAL ESTATE TAX RELIEF FOR THE ELDERLY OR TOTALLY AND PERMANENTLY DISABLED

Supervisor Snow moved that Chapter 872 of the Codified Ordinance of Loudoun County Real Estate Tax Relief for the Elderly or Totally and Permanently Disabled be amended to increase the maximum qualifying net worth threshold by \$200,000 (from \$340,000 to \$540,000) to match the newly-enacted State guidelines effective January 1, 2007 (Seconded by Supervisor Waters. This motion did not receive a vote).

Supervisor Delgaudio made a substitute motion to defer this item and consider it during the Board's budget deliberation (Seconded by Supervisor Staton. This motion did not receive a vote).

Supervisor Waters made a substitute motion and moved that the Chapter 872 of the Codified Ordinance of Loudoun County Real Estate Tax Relief for the Elderly or Totally and Permanently Disabled be amended to increase the maximum qualifying net worth threshold to \$440,000, effective January 1, 2007; and that during the FY08 Budget deliberations that the Board consider implementing the final threshold of up to \$540,000 that would be effective on January 1, 2008. (Seconded by Vice Chairman Tulloch. The motion passed 8-0-1, Supervisor Snow abstained).

Staff Contacts: Robert S. Wertz, Jr., Commissioner of the Revenue and Karen Stapleton, Assistant County Attorney.

7. AMENDMENTS TO CHAPTER 1602 OF THE CODIFIED ORDINANCES OF LOUDOUN COUNTY / FIRE PREVENTION CODE

Vice Chairman Tulloch moved that the Board of Supervisors approve the proposed changes to Chapter 1602 of the Loudoun County Codified Ordinances with an effective date of February 1, 2007 (Seconded by Supervisor Snow. Consent Item. The motion passed 9-0). Staff Contact: Keith Brower, Fire and Rescue Services.

8. BOARD MEMBER INITIATIVE: REGULATION OF AIR CANNONS

Supervisor Snow moved that the Board of Supervisors refer this item to the Public Safety Committee for recommendations on an ordinance regulating or prohibiting the use of air cannons and other devices, as authorized by VA Code § 15.2-918 (Seconded by Supervisor Delgaudio. The motion passed 8-0-1, Chairman York absent for the vote).

Supervisor Delgaudio requested that the Loudoun County Convention and Visitors' Bureau, those related to the rural economy, pest control, and animal control be included in the discussion.

Staff Contact: Jack Roberts, County Attorney.

9. BOARD MEMBER INITIATIVE: REZONING FOR LOUDOUN VALLEY ESTATES III

Supervisor Snow moved that the Board of Supervisors adopt the resolution of intent to amend Loudoun County Zoning Map to rezone the properties in Loudoun Valley Estates III from PD-GI to CR-1 (Seconded by Supervisor Delgaudio. The motion passed 8-0-1, Chairman York absent).

Supervisor Burton requested that a map be provided that would show this property and its overlays.

Supervisor Staton asked Staff to provide information on the number of lots listed and how many have homes.

Staff Contact: Michael Hengemuhle, Aide to Supervisor Snow.

10. WATER RESOURCES TECHNICAL ADVISORY COMMITTEE (WRTC) WORK PLAN IMPLEMENTATION / RECOMMENDATIONS

Supervisor Kurtz moved that the Board of Supervisors designate a portion of the \$300,000 approved for WRTAC Tier I Work Plan implementation be used to fund compilation of additional surface and groundwater data, an independent study to analyze and report on the existing hydrologic data and hydrogeologic studies, and a new FTE for water resource data management (Seconded by Supervisor Snow. The motion passed 8-0-1, Chairman York absent for the vote).

Staff Contacts: Linda Erbs, Chairman, WRTAC, Bruce McGranahan, Department of Planning, and Glen Rubis, Department of Building and Development

11. BOARD MEMBER INITIATIVE: ANALYSIS OF PROFFERS - DEFERRED

12. CPAM 2006-0002 / CROSSTRAIL

Supervisor Kurtz moved that the Board of Supervisors deny CPAM 2006-0002. She further moved to accept the proposed course of action from Leesburg's Town Council reflected in Mayor Umstattd's November 29, 2006 letter, to convene within 30 days an Annexation Committee whose goal is to define the terms and geographic boundaries in Leesburg's Joint Planning Area, between the Greenway and Route 7, for critical annexation into the Town of Leesburg with an anticipated completion date of July 1, 2007. Additionally, she moved that County composition on that Committee consist of Board of Supervisors members, Chairman Scott York and Vice Chairman, Bruce Tulloch. (Seconded by Supervisor Burton. The motion was separated. The motion to deny the CPAM failed 4-5; Supervisors Burton, Kurtz, Waters, and York voted yes; and Supervisors Clem, Delgaudio, Snow, Staton, and Tulloch voted no).

Supervisor Staton moved that the Board of Supervisors adopt the policy options #4, #7, and #8 as contained in the Staff Report. (Seconded by Supervisor Delgaudio. The motion was separated by Vice Chairman Tulloch. Without objection, the Board accepted Vice Chairman Tulloch's friendly amendment to policy option #4).

The motion to approve the following policy #4, as amended, passed 5-4; Supervisors Clem, Delgaudio, Snow, Staton, and Tulloch voted yes; and Supervisors Burton, Kurtz, Waters, and York voted no.

**Land Use Designation**

4. Accept the Planned Land Use map change as proposed in CPAM 2006-0002, from Business Employment (Toll Road Plan) and Keynote (Revised General Plan) to Business Community for the Crosstrail property “**with the exception of the property south of Crosstrail Boulevard.**” (Further clarified by Mr. Tulloch as everything south of Crosstrail Blvd. would stay as keynote employment and that this area not be used for the calculation of residential density for the rest of the project).

The motion to approve policy #7 passed 6-3; Supervisors Clem, Delgaudio, Snow, Staton, Tulloch, and Waters voted yes; and Supervisors Burton, Kurtz, and York voted no.

**Land Use Mix**

7. Retain the existing land use mix policy for Business Community in the Comprehensive Plan. A unique land use mix policy would not be ascribed to the Crosstrail property.

The motion to approve policy #8 passed 9-0.

**Transportation**

8. Accept the proposed changes to the Countywide Transportation Plan (CTP).

With respect to utilities, Supervisor Staton moved that the Board of Supervisors adopt a revised Policy Option #1:

1. Accept the utility language as proposed in CPAM 2006-0002, (changes to RGP and TRP as specified in Attachment 1, pages A-1 and A-3) to allow either the Town or the LCSA to serve the Leesburg JLMA with utilities. Further, moved that the Board request that the Town and the LCSA work on a draft utility agreement for service to the Leesburg JLMA and that the Town and LCSA report back to the Transportation/Land Use Committee on such draft at an acceptable date to be determined between the Chairman of the Committee, the LCSA and the Town. (Seconded by Supervisor Delgaudio. This motion did not receive a vote).

Supervisor Waters moved a substitute motion to adopt Policy option #2:

2. Retain the existing policy language in the Revised General Plan and the Toll Road Plan to allow the Town to serve the JLMA unless a different provider is agreed upon by the Town and the County. Further, I move that the Board request that the Town and the LCSA work on a draft utility agreement for service “**which shall address the out of town water rates**” to the Leesburg JLMA and that the Town and LCSA report back to the Transportation/Land

Use Committee on such draft at an acceptable date to be determined between the Chairman of the Committee, the LCSA and the Town. (Seconded by Supervisor Kurtz. This motion did not receive a vote).

Supervisor Burton moved a substitute motion to retain the policy that the Town of Leesburg is the provider of water and sewer provided that they reach an acceptable agreement on out-of-town user rates that is accepted to the Board of Supervisors, if not, the Board would endorse a policy of either LSCA or the Town as the provider. (Seconded by Supervisor Waters. This motion did not receive a vote).

Supervisor Burton accepted Chairman York's amendment to defer this item for 90 days to give the Town of Leesburg time to resolve the out-of-town user rates to also include service to County facilities at Shellhorn/Phil Bolen Park to the satisfaction of the Board of Supervisors. If not, the Board would initiate a CPAM to consider LCSA as the principal provider of utilities in the Leesburg JLMA. (Supervisor Burton's amended motion passed 5-4; Supervisors Burton, Kurtz, Tulloch, Waters, and York voted yes; and Supervisors Clem, Delgaudio, Snow, and Staton voted no).

Vice Chairman Tulloch moved that the Board of Supervisors put the Crosstrail rezoning on hold until the Town Council of Leesburg and Petersen Company have an opportunity to meet and discuss the details of the application. (Seconded by Supervisor Waters. The motion passed 5-4; Supervisors Burton, Kurtz, Tulloch, Waters, and York voted yes; and Supervisors Snow, Delgaudio, Clem, and Staton voted no).

The applicant's representative agreed to provide a written timeline extension until the end of January 2007.

Supervisor Kurtz moved that the Board of Supervisors accept the inclusion of Housing Policies (the same as the Arcola/Route 50 CPAM) as part of this CPAM. (Seconded by Supervisor Waters. The motion passed 6-3; Supervisors Burton, Delgaudio, Kurtz, Tulloch, Waters, and York voted yes; and Supervisors Snow, Clem, and Staton voted no).

Staff Contact: Susan Berry-Hill, Planning Department.

13. RURAL POLICY AREA AMENDMENTS / ZMAP 2005-0042, ZMAP 2006-0002, ZOAM 2005-0002, AND DOAM 2005-0003

Supervisor Staton moved that the Board of Supervisors approve the adoption of the resolution adopting the proposed amendments identified as ZOAM 2005-0002, ZMAP 2005-0042, ZMAP 2006-0002, and DOAM 2005-0003, as set forth in Attachments 2 and 3 (Seconded by Supervisor Clem).

Supervisor Burton made a substitute motion that the Board of Supervisors adopt the Clem-Burton Proposal, as prepared by staff for the September 5, 2006 Business Meeting (Seconded by Supervisor Kurtz. The motion failed 4-5; Supervisors

Burton, Kurtz, York, and Waters voted yes; and Supervisors Clem, Delgaudio, Snow, Staton, and Tulloch voted no).

Supervisor Burton moved an amendment that the Board of Supervisors change the cluster density in the AR-1 District from one unit per five acres to one unit per ten acres (Seconded by Supervisor Kurtz. The motion failed 4-5; Supervisors Burton, Kurtz, York, and Waters voted yes; and Supervisors Clem, Delgaudio, Snow, Staton, and Tulloch voted no).

Supervisor Burton moved an amendment that the Board of Supervisors change the requirement for the rural economy lot in AR-1 in Section 2-103 (C)(4) from seven-acre minimum to 15 acre minimum (Seconded by Supervisor Waters. The motion passed 5-4; Supervisors Burton, Kurtz, Tulloch, Waters, and York voted yes; and Supervisors Clem, Snow, Staton, and Delgaudio voted no).

Without objection, the Board accepted the following as friendly amendments brought forward by Supervisor Waters:

- 1) Amend Section 5-601 (A)(3) [page A161 beginning at line 1]  
Weddings,  
Weddings, receptions private parties, meetings and similar activities may be held at the Bed and Breakfast with the maximum number of attendees based on the maximum sleeping capacity of the facility. The hosting of the aforementioned gatherings in excess of the sleeping capacity of the facility may be held up to ten times per calendar year. A minimum of 14 days shall lapse between such gatherings. Written notice shall be provided 30 days in advance of the gathering to the Zoning Administrator. Such notice shall be accompanied by proof of any necessary approvals from County agencies, such as the Health Department and the Fire Department. Additional gatherings may be held in accordance with Section 5-642, Banquet/Event Facility, with the approval of a Minor Special Exception.
- 2) Amend Section 5-601 (B)(2) [page A162 beginning at line 24]  
Weddings, receptions private parties, meetings and similar activities may be held at the Country Inn with the maximum number of attendees based on the maximum sleeping capacity of the facility. The hosting of the aforementioned gatherings in excess of the sleeping capacity of the facility may be held up to ten times per calendar year. A minimum of 14 days shall lapse between such gatherings. Written notice shall be provided 30 days in advance of the gathering to the Zoning Administrator. Such notice shall be accompanied by proof of any necessary approvals from County agencies, such as the Health Department and the Fire Department. Additional gatherings may be held in accordance with Section 5-642, Banquet/Event Facility, with the approval of a Minor Special Exception.

3) Map Change

The parcel identified as PIN 174-27-8310 (Tax Map 11, Parcel 148A) will maintain the RC (Rural Commercial) classification on that portion of the property currently zoned RC, and the remainder of the property will be rezoned to the AR-1 classification from its current A-3 classification.

Supervisor Waters further moved that the Board of Supervisors find that this change is based on an approved site plan for the development of this portion of the property under the RC classification combined with the location of existing commercial development immediately to the west of this parcel.

Without objection, the Board accepted the following as friendly amendments brought forward by Supervisor Kurtz:

- 1) Amend the definition of "Rural Corporate Retreat" in Article 8 after "institution of higher learning" add "**or management consulting firms.**" The second sentence of the definition as shown on A349, and is amended as follows: "Rural corporate retreats may be utilized for basic and applied research services and education wherein the inquiry process is conducted in a manner similar to that of institutions of higher learning or management consulting firms."
- 2) Amend Section 5-601 (B)(7)(c), Yard Standards for County Inn, add "**or 100 feet from a lot line of a property having a commercial use**" after "250 feet minimum from all lines."

Supervisor Snow moved to amend the main motion to remove all existing CR1, CR2, CR4 and RC zonings in areas contiguous to village overlay districts, towns, and JLMA so that CR and RC zonings will remain in effect in those areas consistent with the recommendation of the Planning Commission. (Seconded by Supervisor Delgaudio. Without objection, Supervisor Snow withdrew the amendment).

Supervisor Snow moved to amend the main motion to remove parcel owned by Mann's which has been identified as MCPI 382161234. (Seconded by Supervisor Delgaudio. Without objection, Supervisor Snow withdrew the amendment).

Supervisor Snow moved to amend the main motion to classify portions of Little Piney Run Estates, identified as PIN 472364047 and PIN 472485830 that are currently zoned as CR1 to RC (Rural Commercial District) and further direct staff to administer the planned use for this 17 acre area as rural village consistent with the Village of Loudoun Heights. (Seconded by Supervisor Delgaudio. Without objection, Supervisor Snow withdrew the amendment).

Supervisor Snow moved that all applications for a preliminary plan that have been accepted for review by Loudoun County's Building & Development by December 5, 2006 shall be governed by existing rules and regulations under which they were



submitted for a period not to exceed six months. (This motion died for lack of a second).

Supervisor Staton's motion, as amended, passed 5-4; Supervisors Clem, Delgaudio, Snow, Staton, and Tulloch voted yes; and Supervisors Burton, Waters, York, and Kurtz voted no. The Board adopted the following resolution:

**LOUDOUN COUNTY BOARD OF SUPERVISORS  
RESOLUTION**

**IN RE:        ADOPTION OF AR (AGRICULTURAL RURAL) ZONING MAP  
AND ZONING DISTRICT REGULATIONS; AMENDMENTS TO THE LOUDOUN  
COUNTY ZONING ORDINANCE; REENACTMENT AND READOPTION OF  
THE FLOODPLAIN OVERLAY DISTRICT REGULATIONS AND  
MOUNTAINSIDE DEVELOPMENT OVERLAY DISTRICT REGULATIONS;  
AMENDMENTS TO THE LAND SUBDIVISION AND DEVELOPMENT  
ORDINANCE AND FACILITIES STANDARDS MANUAL**

**WHEREAS**, on May 20, 2005, the Circuit Court of Loudoun County struck the AR-1 and AR-2 zoning districts as included on the comprehensive zoning map of Loudoun County for the Rural Policy Area , after the Supreme Court of Virginia found the published notice deficient for these zoning districts; and

**WHEREAS**, the Board of Supervisors subsequently reviewed and studied the comprehensive plan and zoning regulations for the Rural Policy Area affected by the court's action; and

**WHEREAS**, among other information, the Board reviewed the studies and data compiled as part of the adoption of the *Revised General Plan* in 2001, which plan supported reduced density in the Rural Policy Area for a number of reasons, including the limited transportation system and the goal of promoting agriculture and other rural economy uses; and

**WHEREAS**, the Board of Supervisors reaffirmed the two sub-areas of the Rural Policy Area as set out in the *Revised General Plan*; and

**WHEREAS**, on November 17, 2005, the Board of Supervisors initiated a revision to the Loudoun County zoning ordinance and map to implement the comprehensive plan for the County by revising the AR-1 and AR-2 district regulations and reinstating those districts as part of the comprehensive zoning map; and

**WHEREAS**, the Board's action included the initiation of related amendments to the Land Subdivision and Development Ordinance (LSDO) and Facilities Standards Manual (FSM); and

**WHEREAS**, the Planning Commission and Board of Supervisors conducted public hearings on the amendments and received extensive public comment; and

**WHEREAS**, on March 20, 2006, the Planning Commission recommended the proposed amendments for adoption; and

**WHEREAS**, the Board of Supervisors conducted hearings on the proposed amendments on June 7 and 10, 2006, and November 29, 2006; and

**WHEREAS**, the Board of Supervisors wishes to restore the rural districts as part of the comprehensive zoning map for the County along with changes to the zoning ordinance text and related LSDO and FSM amendments; now, therefore,

**BE IT RESOLVED**, as follows:

**Section 1. Adoption of Zoning Map.** The zoning map of the County of Loudoun is hereby amended and adopted to include the AR-1 and AR-2 zoning districts. The new, amended map is identified as Map No. 2006-052, dated July 17, 2006, along with the reenacted Floodplain Overlay District and Mountainside Development Overlay District Maps. The map amendments are also referenced as ZMAP 2005-0042 and ZMAP 2006-0002. A copy of the new zoning map has been filed with the Clerk of the Board and is to be maintained among the records of the County of Loudoun along with this resolution. The Office of Mapping & Geographic Information is authorized and directed to generate a revised map as necessary to reflect any other rezonings and any town boundary changes as of the date of adoption. The map shall include any changes or corrections approved by the Board as amendments to this Resolution, offered at the time of adoption and reflected in the minutes.

**Section 2. Adoption of Zoning Ordinance.** Amendments to the text of the Loudoun County Zoning Ordinance are hereby adopted. The amendments (a) are referenced as ZOAM 2005-0002, (b) are included in the draft dated July 18, 2006, along with the changes and corrections as directed by the Board of Supervisors on September 6, 2006 and listed in the Addendum included with staff report for the November 29, 2006, public hearing; (c) include the reenacted Floodplain Overlay District regulations (Section 4-1500) and Mountainside Development Overlay District regulations (Section 4-1600); and (d) incorporate any changes or corrections adopted at the December 5, 2006 meeting. Except as provided by the revisions, deletions and additions in these amendments, the remaining provisions of the Loudoun County Zoning Ordinance, as amended prior to this action, are retained. A copy of the amendments is to be maintained by the Clerk among the records of the County of Loudoun along with this resolution.

**Section 3. Adoption of Amendments to the LSDO and FSM.** Amendments to the LSDO and FSM are hereby adopted. The amendments are referenced as DOAM 2005-0003 and are included in the draft dated July 20, 2006.

**Section 4. Authorization of Zoning Administrator to Make Clerical Corrections.** The Zoning Administrator is hereby authorized and directed to make clerical changes to the Loudoun County Zoning Ordinance and Map, if necessary, for (a) correction of typographical or scrivener's errors and (b) appropriate section numbers and headings associated with codification of the amendments.

**Section 5. Findings.** The adoption of the amended zoning map and text is in furtherance of the public necessity, convenience and general welfare, is consistent with good zoning practice, is in substantial conformance with the County's comprehensive plan, and is enacted after substantial community discussion and debate. The Board has given due consideration to the matters and purposes set out in the Code of Virginia for such action. Without limiting the foregoing, the Board finds that the map and text are in substantial conformance with the comprehensive plan for the County.

**Section 6. Transitional Rules.**

**a.** If the Department of Building and Development has notified a landowner or his designated representative in writing, prior to the effective date of these amendments, that a pending subdivision, site plan, or boundary line adjustment application is approved as to form subject to the circulation of plats, plans, deeds or any other legal documents for signature, then the Director of Building and Development shall approve and execute those plats and plans approved as to form and complying with the prior zoning regulations, provided that fully executed copies of approval documents are submitted within 30 days after the effective date of this ordinance.

**b.** If the Department of Building and Development has notified a landowner or his designated representative in writing, prior to the effective date of these amendments, that a pending record plat or preliminary/record plat is approved as to form subject to the submission and approval of a performance agreement and bond, then the Director of Building and Development shall release that approved plat after the bond and agreement have been executed and accepted by the County.

**c.** Without limitation, the Board of Supervisors or its designated agents must observe and apply the statutes providing for the recognition of vested rights (Va. Code § 15.2-2307), the period of validity of preliminary subdivisions (Va. Code § 15.2-2260(F)), the period of validity for record plats and final site plans (Va. Code § 15.2-2261), and the grandfathered status of proffered rezonings (Va. Code § 15.2-2303).

**d.** Other transitional rules are included in Article I of the Loudoun County Zoning Ordinance, including provisions for non-conforming uses.

**Section 7. Effective Date.** The new Loudoun County Zoning Ordinance and Loudoun County Zoning Map as adopted in Sections 1 and 2 are effective as of 12:00 AM, Wednesday, December 6, 2006.

**Section 8. Severability.** Any provision of these ordinance amendments shall be separable and severable in accordance with Section 1-103(J) of the Loudoun County Zoning Ordinance.

Voting In Favor: Supervisors Clem, Delgaudio, Snow, Staton, and Tulloch.  
Voting Against: Supervisors Burton, Kurtz, Waters, and York.  
Abstaining: None.

Date: December 5, 2006.

14. FINANCE/GOVERNMENT SERVICES COMMITTEE REPORT / INFORMATION: SUMMARY OF THE NOVEMBER 21, 2006 MEETING  
The Board of Supervisors accepted, as presented, the Summary of the November 21, 2006 Finance/Government Services Committee Meeting Report. Staff Contact: Sandy Truslow, County Administration.
15. PUBLIC SAFETY COMMITTEE REPORT / INFORMATION: SUMMARY OF THE NOVEMBER 20, 2006 PSC MEETING  
The Board of Supervisors accepted, as presented, the November 20, 2006 Public Safety Committee Meeting Information Summary. Staff Contact: Eileen Hall-Tobey, County Administration.
- 16a. TRANSPORTATION/LAND USE COMMITTEE REPORT / PROPOSED THROUGH-TRUCK RESTRICTION/LIGHTRIDGE FARM ROAD  
Vice Chairman Tulloch moved that Board of Supervisors accept the Transportation/Land Use Committee's recommendation to advertise for a public hearing to be held on January 9, 2007, to consider whether the Board should request the Virginia Department of Transportation to evaluate the implementation of a through-truck restriction on Lightridge Farm Road (Route 705) in Loudoun County and Sanders Lane (Route 705) in Prince William County, pursuant to Section 46.2-809 of the Code of Virginia. The reasonable alternate route in Loudoun County would be via Braddock Road (Route 705) from Lightridge Farm Road (Route 705) to Lenah Road (Route 600) to New Road (Route 600) to U.S. Route 15 and continuing on U.S. Route 15 from New Road to the Loudoun County/Prince William County border. The reasonable alternate route in Prince William County would be via U.S. Route 15 from the Loudoun County/Prince William County border to Dumfries Road (Route 234) and continuing on Dumfries Road to Sudley Road (Route 234) to Sanders Lane (Route 705). The request shall also specify that the Board of Supervisors will request enforcement of the proposed restriction by the Loudoun County Sheriff's Office (Seconded by Supervisor Snow. Consent Item. The motion passed 9-0).  
Staff Contacts: Carol Lew, Office of Transportation Services and Mark Matthews, Office of Transportation Services.

16b. TRANSPORTATION/LAND USE COMMITTEE REPORT / REQUEST TO TRANSFER FUNDS FROM ROUTE 7/ASHBURN VILLAGE BOULEVARD INTERCHANGE TO PACIFIC BOULEVARD

Vice Chairman Tulloch moved that the Board of Supervisors support the recommendation of the Transportation/Land Use Committee and request the Northern Virginia Transportation Authority to transfer the FY06 and FY07 RSTP funds in the amount of \$4 million from the Route 7/Ashburn Village Boulevard interchange project to the Pacific Boulevard (Autoworld Way to Severn Way) project. (Seconded by Supervisor Snow. Consent Item. The motion passed 9-0).  
Staff Contact: Terrie L. Laycock, Assistant County Administrator.

16c. TRANSPORTATION/LAND USE COMMITTEE REPORT / FY07 STATE REVENUE SHARING PROGRAM

Vice Chairman Tulloch moved the Board of Supervisors approve the recommendation of the Transportation/Land Use Committee recommendation and endorse completion of the South King Street Trail project as the County's designated project for the FY07 Revenue Sharing Program. He further moved that the County indicate its support for the Town of Leesburg's submission of the Route 15/Virts Corner intersection improvements as the Town's FY07 Revenue Sharing project (Seconded by Supervisor Snow. Consent Item. The motion passed 9-0).  
Staff Contact: Terrie Laycock, County Administration.

16d. TRANSPORTATION/LAND USE COMMITTEE REPORT / TRAFFIC SIGNAL AND SIDEWALK INSTALLATION / FUNDING REQUEST

Vice Chairman Tulloch moved that the Board of Supervisors accept the Transportation/Land Use Committee's recommendation to approve the appropriation of funding from the Traffic Signal Contingency Fund and the Bikeway & Pedestrian Facilities Contingency Fund as described by staff. He further moved that the Board direct staff to process the associated budget adjustment BA# 701090 (Seconded by Supervisor Snow. Consent Item. The motion passed 9-0).  
Staff Contact: Charles Acker, Transportation Services.

16e. TRANSPORTATION/LAND USE COMMITTEE REPORT / ZMAP 2005-0022 / HALL ROAD PROPERTY

Supervisor Snow moved that the Board of Supervisors approve ZMAP 2005-0022, Hall Road Property, based on the findings for approval, and subject to the executed Proffer Statement submitted July 18, 2006 as revised through November 29, 2006, and to include document submitted by Vice Chairman Tulloch relating to the Hall Road Property application (Seconded by Vice Chairman Tulloch. The motion passed 5-3-1, Supervisors Burton, Kurtz, and Waters voted no and Chairman York absent for the vote).

Staff Contact: Van Armstrong, Planning Department.

- 16f. TRANSPORTATION/LAND USE COMMITTEE REPORT / ZMAP 2005-0007/RESERVE AT SOUTH RIDING I AND ZMAP 2005-0014 / RESERVE AT SOUTH RIDING II - DEFERRED
- 16g. TRANSPORTATION/LAND USE COMMITTEE REPORT / ZMAP 2005-0026 AND SPEX 2005-0030 / ERICKSON RETIREMENT COMMUNITIES - DEFERRED.  
Staff Contact: Jane McCarter, Planning Department.
- 17a. ECONOMIC DEVELOPMENT COMMITTEE REPORT / RURAL ECONOMIC DEVELOPMENT COUNCIL APPOINTMENTS  
Vice Chairman moved that the Board of Supervisors approve the membership of the Loudoun County Rural Economic Development Council as shown in Attachment 1, as recommended by the Economic Development Committee. (Seconded by Supervisor Snow. Consent Item. The motion passed 9-0).  
Staff Contacts: Larry Rosenstrauch, Director, Department of Economic Development and Warren Howell, Agricultural Marketing Manager.
- 17b. ECONOMIC DEVELOPMENT COMMITTEE REPORT / ECONOMIC DEVELOPMENT COMMISSION APPOINTMENTS  
Vice Chairman Tulloch moved that the Board of Supervisors approve the slate of nominees for appointment to the Economic Development Commission as recommended by the Economic Development Committee. The slate includes reappointment of Shaun V. Kelley, Tadeusz W. Lewis, and David C. Miles, and to appoint Rick Hurwitt, Randy Kelley, and Arch Moore. Appointments are three year terms commencing January 1, 2007 (Seconded by Supervisor Snow. Consent Item. The motion passed 9-0).  
Staff Contacts: Larry Rosenstrauch and David Bennett, Department of Economic Development.
- 17c. ECONOMIC DEVELOPMENT COMMITTEE REPORT / LOUDOUN CONVENTION & VISITORS ASSOCIATION TOURISM DESTINATION STRATEGY / SPORTS MARKETING GROWTH INITIATIVE GRANT AWARDS  
Vice Chairman Tulloch moved that the Board of Supervisors adopt the Tourism Destination Strategy/Sports Marketing Growth Initiative Grant Awards (Seconded by Supervisor Snow. Consent Item. The motion passed 9-0).  
Staff Contact: David Bennett - Department of Economic Development.
- 17d. ECONOMIC DEVELOPMENT COMMITTEE REPORT / SUMMARY OF NOVEMBER 28, 2006 COMMITTEE MEETING  
The Board of Supervisors accepted, as presented, the November 28, 2006 Economic Development Committee Meeting Information Summary. Staff Contact: Mary Terpak, County Administration.

18. WAIVER OF TOWN OF PURCELLVILLE FOIA FEES

Supervisor Burton moved that the Board of Supervisors NOT waive the fees for the Town of Purcellville Freedom of Information request of October 17, 2005 (Seconded by Supervisor Snow. The motion failed 4-4-1 due to a tie vote; Supervisors Burton, Delgaudio, Clem, and Snow voted yes, and Chairman York absent for the vote).

Supervisor Waters moved that the Board of Supervisors table this item until the December 19<sup>th</sup> Business Meeting. (The Board concurred to have this tabled until the next meeting).

Staff Contact: Keith Nusbaum, Assistant to the Chairman.

49. RECOGNITION OF SISTER COUNTY PARTNERSHIP SPONSORS

- Item pulled off the agenda.

Added to the Agenda:

19. RECONSIDERATION OF ITEM #8, TRANSPORTATION IMPACT FEES IN THE TRANSITION AREA, FROM NOVEMBER 21, 2006 BUSINESS MEETING

Supervisor Waters moved that the Board of Supervisors reconsider Item #8, Transportation Impact Fees in the Transition Area (Seconded by Chairman York. The motion passed 6-3, Supervisors (inaudible) voted no).

Supervisor Waters moved that the Board of Supervisors direct Staff to expand its study of the Transportation Impact Fees for the Rural Policy Area to include the possibility of Transportation Impact Fees for the Transition Policy Area. (Seconded by Supervisor Burton. The motion passed 9-0).

Staff Contact: Danny Davis, Aide to Supervisor Waters.

20. RECONSIDERATION OF ITEM #4 FROM THE NOVEMBER 21, 2006 BUSINESS MEETING

Supervisor Waters moved that the Board of Supervisors reconsider Item #4 from the November 21, 2006 Business Meeting, Authorization for a January 9, 2007 Public Hearing for Supplemental Appropriation for Sycolin Creek Elementary School (ES-13). (Seconded by Supervisor Snow. The motion passed 8-0-1, Chairman York absent for the vote).

Supervisor Waters made a substitute motion that the Board of Supervisors keep as surplus the \$5,030,000 identified as a fund balance from the FY07 schools' operating budget and apply these funds to the FY08 schools' operating budget. She further moved that the Board of Supervisors authorize a January 9, 2007 Public Hearing to utilize VPSA bonds, as requested by the School Board on December 4, 2006 for a supplemental appropriation to the FY07 School Capital Improvement

Fund for the Sycolin Creek Elementary School (ES-13). (Seconded by Supervisor Clem. The motion passed 8-0-1, Chairman York absent for the vote).

Staff Contact: Danny Davis, Aide to Supervisor Waters.

21. FINANCIAL PERFORMANCE AUDIT COMMITTEE/ EXPANSION OF SCOPE OF WORK

Supervisor Staton moved that the Board of Supervisors suspend the rules. (Seconded by Supervisor Waters. The motion passed 8-0-1, Chairman York absent for the vote).

Supervisor Staton moved that the Board of Supervisors approve to expand the role of the Financial Performance Audit Committee to include a review of the FY08 proposed School CIP as well as an analysis of County performance measurement standards with the analysis of the County's performance standards to occur after the current budget cycle (Seconded by Supervisor Waters. The motion passed 8-0-1, Chairman York absent for the vote).

Supervisor Kurtz suggested that the Audit Committee conduct research that shows how other jurisdictions and other schools present their budget. She also inquired as to whether the idea of having year-round schools has been brought up; and the amount of savings this would generate.

Staff Contact: Mick Staton, Sugarland Run District Supervisor.

- CLOSED SESSION

Vice Chairman Tulloch moved that the Board of Supervisors recess the regular meeting and enter into Executive Session to consult with counsel on legal matters related to the proposed rezoning in the rural policy area, the litigation concerning the County's Fields Farm property, including the threatened condemnation, and the offer from Town of Purcellville for Fields Farm property (Seconded by Supervisor Waters. The motion passed 9-0).

Vice Chairman Tulloch moved that the Board adjourn the Executive Session and reconvene the regular meeting. He stated that no formal action was taken at the Executive Session (Seconded by Supervisor Waters. The motion passed 9-0).

Vice Chairman Tulloch moved that the Board of Supervisors approve the Resolution Certifying the Executive Session (Seconded by Supervisor Waters. The motion passed 9-0).

cc: Board of Supervisors  
Planning Commission